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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,074

06/23/2006

Thomas Scherb

P28845

9642

7055 7590 09/13/2010  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

FORTUNA, JOSE A

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

09/13/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,074	<b>Applicant(s)</b> SCHERB ET AL.	
	<b>Examiner</b> José A. Fortuna	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 224-243 and 245-289 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 224-243, 245-289 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

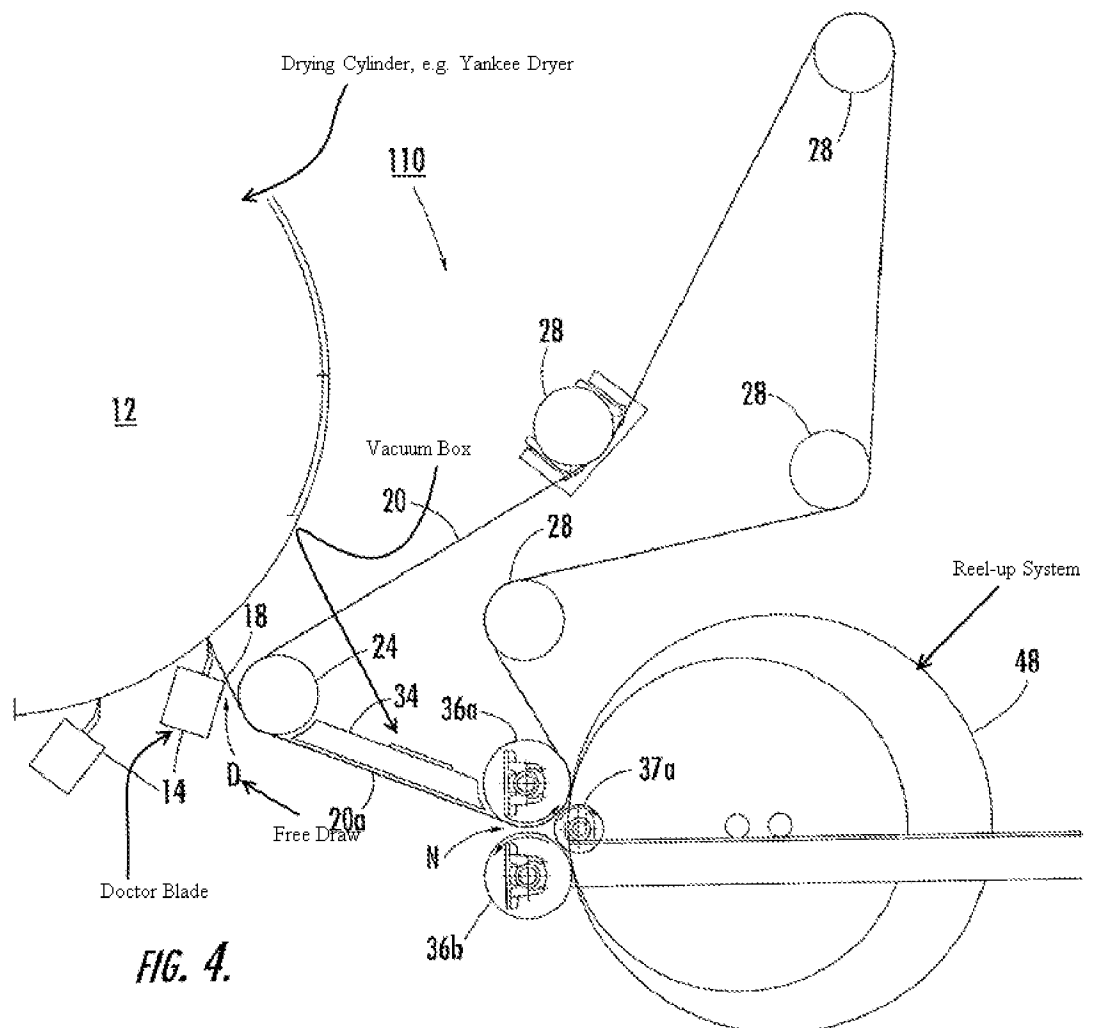
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 224-243, 245-289 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke et al., US Patent Application Publication No. 2000/0111199 A1 in view of any of Beisswanger et al., US Patent Application Publication No. 2001/0052560 A1 or Madrzak et al.,

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US patent No. 6,250,580 or Pfeiffer, US patent No. 3,599,889 or Klerelid et al., US Patent No. 6,797,115.

Clarke et al. teach a device for producing a tissue web which includes a drying cylinder, that could be a Yankee Dryer, a creping Doctor and winding device to reel-up the web onto a roll and a transfer device that carries the web from almost the entire run from the doctor blade to the winding roll, see figures, specially figure 4, and ¶-[0036]-[0038]. The figure show also that the web is unsupported, creating a free draw from short distance from the doctor to the beginning of the transfer device, and show that the web is supported on one side of the transfer device. Clarke teach also that the short Draw, (D) can be changed from 4 inches to 48 inches, (0.1 to 1.20 meters), which falls within the claimed range, see ¶-[0024]. Clarke et al. show also that the device can include a nip formed by a backing roll and the reel, figure 4, and ¶-[0036]-[0038]. Clarke et al. teach also that the transfer device can be a belt; preferably a permeable belt and that vacuum can be applied to the web through the permeable belt. The device can be a vacuum box (34) or a device that creates under pressure by blowing air via the Coanda effect, ¶-[0030]-[00333] and Figures 4, below:



Note that Clark et al. show that the belt moves around a winding drum of the winding device, i.e., moves around the backing roll (36a) that form part of the winding device, see figure above, which is/are equivalent to the winding roll 107 of figure 1 of the current application and the web is supported in only one side on the transferring belt 20a, which reads on the newly added limitation. Clarke et al. do not explicitly teach the mechanism to control and/or measure the line force at the nip. However, such mechanisms are very

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well known in the art as evidenced by the secondary references, Beisswanger et al., Madrzak et al., Pfeiffer and Klerelid et al. Note that the secondary references teach why the force at the nip Must be controlled, "...maintain of the tension of the web so to avoid burst or breaking of the web across the machine with consequent hidden damage wound into the roll or even failure of the entire winding process.", Pfeiffer column 1, lines 11-33. Therefore, the use of such device would have been obvious to one of ordinary skill in the art in order to avoid breakage and deformities of the roll. Note also that it is also known to keep the low lineal pressure at the nip, so not to densify the web. Note that the combination of references would be inherently capable of maintaining the load within the claimed range. Moreover, Klerelid et al., teach that is common to maintain the line force at the nip in at the reel of a tissue making machine within the claimed range, see column 9, lines 52-53.

Clarke et al. invention has been already explained *supra*. They are silent with regard to the limitations of: the use of a multilayered headbox and its different modifications or the use of crescent formers, nor the specifics of the reel-up system, i.e., the control system, nor the use of a pulper underneath the reel-up or the drying machine. However all of those limitations are well known in the art as evidenced by the supplied prior art, see previous PTO-Form-892. Since the use of the claimed devices are conventional in the art, their use is within the levels of ordinary skill in the art, since he/she would have reasonable expectation of success if such devices were to be used in the system taught by Clarke et al. It has been held that it is obvious to try, choosing from a finite number of identified, predictable solutions with a reasonable expectation of success. See recent

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Board decision *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (Citing KSR, 82 USPQ2d at 1396).

***Response to Arguments***

5. Applicant's arguments with respect to claims 224-243, 245-289 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in the art of "Device for Winding a Tissue Web."

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José A. Fortuna whose telephone number is 571-272-1188. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew J. Daniels can be reached on 571-272-2450. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/José A Fortuna/  
Primary Examiner  
Art Unit 1791

JAF